

CITY OF LAKE ELMO
WASHINGTON COUNTY, MINNESOTA

RESOLUTION NO. 2002- 056

A RESOLUTION APPROVING A SHORELAND OVERLAY DISTRICT VARIANCE
FOR RICHARD LEONARD & D.M. JAHNKE, 8242 HIDDEN BAY TRAIL

WHEREAS, at its May 29, 2002 meeting, the Planning Commission recommended approval of an application from Richard Leonard and D.M. Jahnke, 8242 Hidden Bay Trail for a shoreland overlay district variance to permit additions to the existing house and garage based on plans staff dated May 29, 2002.


WHEREAS, at the June 18, 2002 meeting, the Lake Elmo City Council reviewed the application of Richard Leonard and D.M. Jahnke for a shoreland overlay district variance and made the following findings:

1. The existing home pre-dates Shoreland Regulations. The variance will not result in additional encroachment to the Ordinary High Water elevation of Olson Lake, or result in violating other Zoning Ordinance dimensional standards.
2. The mass and scale of the home as the result of approving the variance will remain in keeping with other homes located in the Shoreland Overlay District. No special right of privilege to this property owner will result from the variance.
3. The variance is not totally the result of actions by the property owners. The imposition of Shoreland Standards after platting of the lot, and construction of the existing home, has resulted in the entire home being located within the OHW setback. No home modifications are possible without a variance.
4. Several variances have been approved by the City under similar circumstances: no additional encroachment on the OHW; no property owner option to expand an existing home without violating OHW setback; and, modifications to an existing home in scale with other lake front properties – as a function of home living area.
5. Since any addition to the existing house would require an OHW variance; and, as all other setback requirements would be completed with, this is the minimum variance necessary to alleviate the hardship.
6. The variance is not detrimental to the purposes of the Shoreland Overlay District, nor other properties in the R-1 zone.

NOW, THEREFORE, BE IT RESOLVED, the Lake Elmo City Council approves the Shoreland Overlay District Variance for additions to the home and garage for Richard Leonard and D.M. Jahnke at 8242 Hidden Bay Trail, based on the plans staff dated May 29, 2002 and the Findings and recommendation of the Planning Commission, including two conditions:

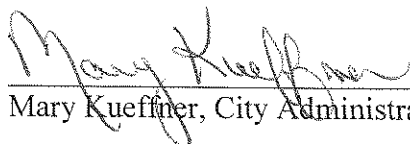
1. Deletion of the proposed second driveway access to the fourth (lower) garage stalls.
2. Inspection of the existing private septic system by a qualified professional, with a report to the City as to inspection findings, and required upgrades to the system to comply with Section 325.06 of the City Code. Inspection report and required septic system upgrades shall be completed prior to issuance of any Building Permits for house or garage additions.

ADOPTED, by the Lake Elmo City Council on the 18th day of June, 2002.



Lee Hunt, Mayor

ATTEST:



Mary Kueffner, City Administrator